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BILL ANALYSIS



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Senate Bills 476 and 477 (as introduced 5-3-07)
Sponsor: Senator Mark C. Jansen
Committee: Families and Human Services

Date Completed: 5-25-07

CONTENT

Senate Bill 476 would amend Chapter 50b (Domestic Relations Arbitration) of the Revised Judicature Act to require that a review of child support, child custody, or parenting time be based on the portion of the record of an arbitration hearing concerning child custody, support, or parenting time, or additional evidence if necessary. The bill also would remove a provision under which such a review is subject to standards and procedures in other applicable statutes and court rules.

Senate Bill 477 would amend the Child Custody Act to require the court in a child custody dispute to act in accordance with Chapter 50b of the Revised Judicature Act.

The bills are described below.

Senate Bill 476

Under Chapter 50b, a review or modification of a child support amount, child custody, or parenting time must be conducted and is subject to the standards and procedures provided in other statutes, in other applicable law, and by court rule that are applicable to child support amounts, child custody, or parenting time.

The bill would remove this provision, instead requiring that a review of a child support, child custody, or parenting time provision be based on the record made under Section 5077(2) of the Act.

(That section requires a record to be made of that portion of an arbitration hearing that concerns child support, custody, or parenting time, in the same manner required by the Michigan court Rules for the record of a witness's testimony in a disposition.)

If the court found that the record was insufficient to determine whether the award was adverse to the best interests of the child, the court could take additional evidence.

Under Chapter 50b, the court may not vacate or modify an award concerning child support, custody, or parenting time unless the court finds that the award is adverse to the best interests of the child who is the subject of the award, or under Section 5081 of the Act. This provision is subject to the requirement that a review or modification be conducted subject to the standards and procedures provided in other applicable laws or court rules. Under the bill, this provision would apply except as provided in Section 5081.

(Under Section 5081, if a party applies for vacation or modification of an arbitrator's award issued under Chapter 50b, the court must vacate the award if it was procured by corruption, fraud, or other undue means; there was evident partiality by an arbitrator or misconduct prejudicing a party's rights; the arbitrator exceeded his or her powers; or the arbitrator refused to postpone the hearing on a showing of sufficient cause, refused to hear evidence material to the controversy, or otherwise conducted the hearing to prejudice substantially a party's rights.)

Senate Bill 477

Under the Child Custody Act, in all actions involving dispute of a minor child's custody, the court must declare the child's inherent rights and establish the rights and duties regarding the child's custody, support, and parenting time in accordance with the Act.

Under the bill, the court's decision also would have to be in accordance with Chapter 50b of the Revised Judicature Act.

MCL 600.5080 (S.B. 476)
722.24 (S.B. 477)

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bills address court procedure and would have no fiscal impact on State or local government.

Fiscal Analyst: Stephanie Yu

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.